

FILED
To Roanoke
MAR 10 2006

JOHN F. CORCORAN, CLERK
BY: J. Jarabee
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SHAMICA POINDEXTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:06-cv-00028

OPINION AND ORDER

By: Hon. Norman K. Moon
United States District Judge


Petitioner Shamica Poindexter, a federal inmate proceeding pro se, submitted this pleading styled as a "motion to file a writ of habeas corpus." Poindexter states her belief that this court can grant her an opportunity to file a successive § 2255 motion. She is mistaken. Pursuant to § 2255 para. 8, only the United States Court of Appeals for the Fourth Circuit can issue a pre-filing certification, allowing a petitioner to submit a second or subsequent § 2255 motion. Therefore, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion, styled as a "motion to file a writ of habeas corpus," to is hereby **CONSTRUED** as a motion for certification to file a successive motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, and **DENIED** for lack of jurisdiction; and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this opinion and order to petitioner and to counsel of record for the respondent.

ENTER: This 10th day of March, 2006.


United States District Judge